

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Panchayat Raj & Rural Development Department – 4th Ordinary Elections to Panchayat Raj Institutions, 2013 – Disqualification of persons having more than two children for contesting elections or for continuing as member under Sec 19(3) of APPR, Act 1994 – Powers for relaxation of Sec 19(3) of Andhra Pradesh Panchayat Raj, Act 1994 in respect of persons having three children out of two deliveries delegated to the District Collectors and district election officers in connection with 4th Ordinary Elections – orders - issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (E&R) DEPARTMENT

GO.Rt.No. 1149

Dated:11.07.2013
Read the following:-

1. Orders dated 31.12.2008 of AP High Court in WP.No.23854 and 24267 of 2008 filed by Smt Balaga Savitramma Vs Sri Nalla Satyanarayana and others.
2. From the CPR&RE, Hyderabad, Lr.No.5190/Elections/2013
Dated:10.07.2013.

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ORDER:

The Hon'ble High Court of Andhra Pradesh in WP.No.23854 and 24267 of 2008 filed by Smt. Balaga Savitramma Vs Sri Nalla Satyanarayana and others took the view that where a person was blessed with the single child in first delivery and in the subsequent delivery he was blessed with twins or triplets, there is absolutely no human control on the number of children that can be born out of a pregnancy and thereof, the said person is not disqualified under section 19(3) of the Andhra Pradesh Panchayat Raj Act 1994. In the judgment the court has interpreted the law and therefore, it is applicable to all similar cases. This principle applies to post election disqualifications also.

2. Based on the judgment read above the Government in Municipal Administration & Urban Development Department have issued amendment to Andhra Pradesh Municipalities Act 1965 and the Greater Hyderabad Municipality Act 1955 vide act No.15 of 2011. On the same lines Government in Panchayat Raj & Rural Development Department have also initiated action for making suitable amendments to the Andhra Pradesh Panchayat Raj Act, on the same lines which is under active consideration of Government.

3. Now since notification for conducting 4th Ordinary Elections to Panchayat Raj Institutions in the state has been issued by the State Election Commission on Dated:03.07.2013 on account of which the elections to the Panchayat Raj Institutions will be conducted in a phased manner as per the schedule released by the State Election Commission.

4. The Commissioner, Panchayat Raj & Rural Employment, Hyderabad in the reference 2nd read above has reported to Government that several representations have been received from districts for relaxation under section 19(3) of Andhra Pradesh Panchayat Raj Act, 1994 keeping in view the judgment referred to in para 1 of this order. He has stated that the time is very short for scrutiny of a nominations which is scheduled on Dated:14.07.2013 and he has therefore requested the Government to delegate the powers of the Government under Sec 19(3) of the Andhra Pradesh Panchayat Raj Act, 1994 to the districts collectors for Administrative convenience and in order to avoid legal complications.

5. After careful examination of the proposal submitted by the Commissioner, Panchayat Raj & Rural Employment, Hyderabad, Government hereby delegate the powers conferred on it under sec 19(3) of the Andhra Pradesh Panchayat Raj Act, 1994 to the District Collectors and Election Authorities in connection with 4th Ordinary Elections to Panchayat Raj Institutions. The delegation ordered herein is confined to the cases defined in the court order 1st read above only.

(P.T.O)

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6. All District Collectors and Election Authorities shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V. NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

To,
All District Collectors/District Panchayat Officers in the State.
The Commissioner, Panchayat Raj & Rural Employment, Hyderabad.
The Secretary to State Election Commission,
Budha Bhavan, Secunderabad.
Copy to:
The Special Secretary to Chief Minister.
The PS to M(PR&RD)
The PS to Principal Secretary (PR)
The PS to Principal Secretary RD/PS to Secretary (RWS)
To all officers in the Departments/ All sections of the Department.
SF/SC.

//FORWARDED BY ORDER//

SECTION OFFICER